

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 280, FOOD AND DRUGS ACT.

MISBRANDING OF SALT.

On or about January 27, 1910, and February 8, 1910, the Inland Crystal Salt Company, Salt Lake City, Utah, shipped from the State of Utah to the State of Washington, fifteen hundred and fifty (1,550) sacks of salt. Analyses of samples of this product, made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act, June 30, 1906. As it appeared from the findings of the analyst and reports made that the shipments were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Washington.

In due course a libel was filed against the said fifteen hundred and fifty sacks of salt, charging that they were misbranded in that they were labeled "Granulated Liverpool Dairy Salt Factory filled Manufactured by Inland Crystal Salt Co., Salt Lake City," with a stamp or branded picture of a crown above said label, with the words "Liverpool Dairy Salt" printed in large and more prominent letters than the other words in the brand, which label was false, misleading, and deceptive in that it tended to mislead the purchaser into the belief that the product was a foreign product, from Liverpool, England, whereas, in fact, it was not salt from Liverpool, England, but salt manufactured and produced at Salt Lake City, Utah.

Thereupon the Inland Crystal Salt Company, and the Powell-Sanders Company, of Spokane, Wash., entered their appearance, filed an answer to the libel, waived the time of hearing, and submitted the case to the court upon libel and answer.

On March 14, 1910, the court rendered its decree of condemnation and forfeiture, in substance and form as follows:

IN THE DISTRICT COURT OF THE UNITED STATES, FOR THE EASTERN DISTRICT OF
WASHINGTON, EASTERN DIVISION.

UNITED STATES OF AMERICA, <i>Plaintiff</i> ,	}	No. 858
<i>vs.</i>		
FIFTEEN HUNDRED AND FIFTY SACKS OF SALT, EACH CONTAINING FIFTY pounds, labeled and branded "Granulated Liverpool Dairy Salt, Factory filled, Manufactured by Inland Crystal Salt Co., Salt Lake City,"		
<i>Defendant.</i>		

DECREE.

Now, on this day, this cause coming on for hearing upon the libel filed by the plaintiff and the answer filed by the Powell-Sanders Company, a corporation, and the Inland Crystal Salt Company, a corporation, and it appearing to the court that the Inland Crystal Salt Company, of Salt Lake City, State of Utah, are the manufacturers and shippers of the said salt described in said libel, and that the Powell-Sanders Company, a corporation, of Spokane, Washington, is the present owner of said salt and that no other person or corporation has any interest in or claim thereto, and the said Inland Crystal Salt Company and the Powell-Sanders Company, corporations, having by their answer filed herein, waived the time of hearing and having admitted in their said answer the allegations contained in the libel of information, and having therein submitted to the Court for its determination the matters complained of in said libel, and the Court having considered the matters set out and alleged in said libel and the answer of the respondents filed herein, finds that the allegations contained in said libel are true as therein set out and alleged.

That the salt described in said libel, to wit: Fifteen hundred and fifty (1550) sacks, was shipped by interstate commerce from Salt Lake City, Utah, by the Inland Crystal Salt Company, to Powell-Sanders Company, in the City of Spokane, and that each and every sack thereof, to wit: Fifteen hundred and fifty (1550) sacks, was and is branded and labeled as follows, to wit: "Granulated Liverpool Dairy Salt, Factory Filled, Manufactured by Inland Crystal Salt Co., Salt Lake City" with a stamp or branded picture of a crown above said printed brand, and with the words "Liverpool Dairy Salt" in said label and brand printed in letters larger and more prominent than the other words in said brand, so that the purchaser thereof would be led to believe that said sacks or bags contained Granulated Liverpool Dairy Salt, to wit: (Dairy Salt from Liverpool, England), when, in truth and in fact, said sacks do not contain Liverpool Dairy Salt from Liverpool, England, but do contain salt manufactured and produced at Salt Lake City, in the State of Utah, and being so labeled and branded is in imitation of and under the distinctive name of another article, and being so labeled and branded is labeled and branded so as to deceive and mislead the purchaser and purports to be a foreign product, when it is not so; and the statement in said brand and label, to wit: Liverpool Dairy Salt, is false and misleading; contrary to the form of the statute in such case made and provided, to wit: Act of June 30, 1906 (34 Stats. L. 768), and being so misbranded and labeled the said salt has become liable to seizure, condemnation and forfeiture.

Therefore, it is ordered, adjudged and decreed by the Court, that the said Fifteen Hundred and Fifty (1550) sacks of salt, with their contents, be, and they are hereby declared to be misbranded, in violation of the Act of June 30, 1906, as charged in said libel; and it is further

Ordered, adjudged and decreed that the said fifteen hundred and fifty (1550) sacks of salt, as aforesaid, be, and they are hereby condemned and forfeited, as provided in

the said Act of June 30, 1906, and the Marshal of the United States for the Eastern District of Washington is hereby directed to sell the said fifteen hundred and fifty (1550) sacks of salt, in accordance with and under such terms and conditions as will not violate the provisions of the said Act of June 30, 1906, known as the Pure Food and Drugs Act.

Provided, however, and it is further ordered that if the said Powell-Sanders Company, a corporation, the owner of the said salt, shall pay all of the costs of this libel proceeding and shall execute and file in this cause a good and sufficient bond to the United States of America in the sum of Five Hundred Dollars (\$500), conditioned that said salt shall not be sold or otherwise disposed of contrary to the provisions of the Act of June 30, 1906, known as the Pure Food and Drugs Act, or the laws of any State, Territory, District or insular possession, then the Marshal shall deliver and restore the said fifteen hundred and fifty (1550) sacks of salt to the said owner, the said Powell-Sanders Company, a corporation.

Done in open court this 14th day of March, A. D. 1910.

EDWARD WHITSON,
District Judge.

This notice is given pursuant to section 4 of the Food and Drugs Act, June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *April 7, 1910.*

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